

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

U.S. COMMODITY FUTURES TRADING
COMMISSION, *et al.*

Plaintiffs,

V.

TMTE, INC. a/k/a METALS.COM, CHASE
METALS, INC., CHASE METALS, LLC,
BARRICK CAPITAL, INC., LUCAS THOMAS
ERB a/k/a LUCAS ASHER a/k/a LUKE ASHER,
and SIMON BATASHVILI,

Defendants,

TOWER EQUITY, LLC,

Relief Defendant.

[illegible]

CIVIL ACTION NO.
3:20-CV-2910-L

RECEIVER'S NOTICE OF INTENDED SALE OF OFFICE PROPERTY BY PRIVATE SALE

In accordance with the *Consent Order Governing the Administration of the Receivership, Procedures Governing the Sale or Abandonment of Personal Property, Notice of Intended Sale, Disposition of Various Items and Fee Application Procedures* (the “Order”) entered on December 9, 2020 [Docket No. 213], the Receiver Kelly Crawford hereby gives notice of the intended private sale of certain office property, as set forth herein.

1. The *Order* authorizes the Receiver to sell certain property by private sale, provided that notice of the terms of the proposed sale are filed with the Court at least seven days before transferring title or possession of the property. *Order*, ¶1c. If during this seven day period the

Receiver does not obtain bids exceeding 10% of the proposed sale price, the Receiver can proceed with the sale.

2. The Receiver took possession of the office property at the primary offices of the Defendants located on the 7th floor of 8383 Wilshire Blvd., Beverly Hills, California. The office property is generally described on **Exhibit A** attached hereto (the “Office Property”).

3. The Receiver solicited bids for the Office Property from three office liquidation companies in Los Angeles, California area (National Office Liquidators, Green Cube, Inc., and TaubeAarons, Inc.) and a real estate company Highpoint Real Estate, Inc. and Blackstone Law, APC (“Highpoint”). After inspecting the Office Property, the four companies submitted bids to the Receiver for the purchase and removal of the Office Property from the premises. Prompt removal of the Office Property from the leased premises is of value to the receivership because the lessor of the premises holds a security deposit from the Defendants and is asserting a claim for unpaid rent for the time that the premises are not vacated.

4. Highpoint offered to pay the receivership \$65,000 for the Office Property and to bear the expenses of removing the Office Property from the leased premises by no later than January 31, 2021. This offer was the highest offer received by the Receiver, and the Receiver determined that accepting the offer from Highpoint would be in the best interest of the receivership. Highpoint has no relationship to any of the parties, the Receiver, attorneys, or investors in this case. Based on the foregoing, in seven days, provided an offer exceeding the offer of \$65,000 by 10% is not received by the Receiver, the Receiver intends to sell the Office Property to Highpoint on an “As-Is” basis for \$65,000 and with Highpoint bearing all expense of removal of the Office Property from the leased premises.

5. This notice of the intended sale of the Office Property has also been posted on the website maintained by the Receiver at www.metalsandbarrickcapitalreceivership.com.

Respectfully submitted

SCHEEF & STONE, L.L.P.

/s/ Peter Lewis

Peter Lewis

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ATTORNEYS FOR RECEIVER

KELLY M. CRAWFORD

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on January 5, 2021 I electronically filed the foregoing document with the clerk of the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court, and the electronic case filing system sent a “Notice of Electronic Filing” to the attorneys of record.

/s/ Kelly Crawford

Kelly Crawford